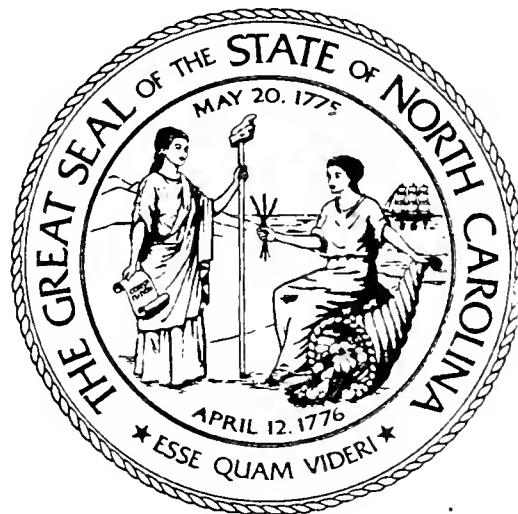


LEGISLATIVE COMMISSION ON CHILDREN WITH SPECIAL NEEDS



**REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA**

A LIMITED NUMBER OF COPIES OF THIS REPORT IS AVAILABLE
FOR DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

ROOM 2126, 2226
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-7778

OR

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27611
TELEPHONE: (919) 733-9390

January 20, 1989

The President of the Senate

The Speaker of the House of Representatives

Gentlemen:

The Commission on Children with Special Needs is pleased to submit its report and recommendations to you and to the members of the General Assembly, 1989 Session.

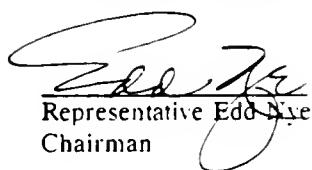
The Commission was established by Chapter 1422 of the 1973 Session Laws as a permanent legislative commission. The Commission consists of 12 members:

- three Senators and one physician actively practicing pediatrics in the State appointed by the President of the Senate;
- three Representatives and one public member appointed by the Speaker of the House; and
- three parents of children with special needs and one public member appointed by the Governor.

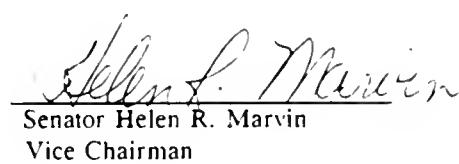
The Commission is responsible for studying the services provided to children with special needs, reviewing legislation and programs relating to these services, and evaluating for comprehensiveness the recommendations of the various agencies, councils, and committees existing in North Carolina whose primary or partial duty is to affect services for children with special needs; and to monitor the program of the State as it attempts to meet the service requirements of these children.

This report complies with the statutory requirement to report to the General Assembly by February 1 of each biennium and it covers the period July 1, 1987 through December 30, 1988.

On behalf of the Commission, we are happy to submit this report to you and our distinguished colleagues.



Representative Edd Nye
Chairman



Senator Helen R. Marvin
Vice Chairman

COMMISSION ON CHILDREN WITH SPECIAL NEEDS
MEMBERSHIP: 1987-1989

Appointments by the Speaker

Representative Edd Nye, Chairman
P.O. Box 8
Elizabethtown, North Carolina 28337
(H) 919-862-2420
(O) 919-862-3679

Representative William G. Alexander
90 Church Street, N.E.
Concord, North Carolina 28025
(H) 704-932-3034
(O) 704-788-6721

Representative Foyle Hightower, Jr.
Route 2, Box 2
Wadesboro, North Carolina
(H) 704-694-2935
(O) 704-694-2515

Mr. Cornelius Hunt
76 Oakdale Street
Brevard, North Carolina 28712
(H) 704-883-3643

**Appointments by the
Governor**

Ms. Ann Blakeney Clark
2500-5 Cranbrook Lane
Charlotte, North Carolina 28207
(H) 704-342-3600
(O) 704-553-2826

Mrs. Harriett S. McDonald
P.O. Box 36
Raeford, North Carolina 28376
(H) 919-875-4209
(O) 919-692-6554

Ms. Susan Snipes
720 Slade Street, Box 3634
Gibsonville, North Carolina 27249
(H) 919-449-7642

Ms. Elaine Johnson Woodruff
Route 1, Box 210
West End, North Carolina 27376
(H) 919-295-2939
(O) 919-692-8311

**Appointments by the Lieutenant
Governor**

Senator Helen R. Marvin
Vice Chairman
119 Ridge Lane
Gastonia, North Carolina 28054
(H) 704-864-2757

Dr. Robert G. Jeffers
3334 White Oak Road
Raleigh, North Carolina 27609
(H) 919-782-6492
(O) 919-782-5273

Senator Russell Walker
1004 Westmont Drive
Asheboro, North Carolina 27203
(H) 919-625-2574
(O) 919-625-6177

Senator Marvin Ward
641 Yorkshire Road
Winston-Salem, North Carolina 27106
(H) 919-724-9104

COMMISSION STAFF

Mrs. Ada Edwards, Commission Clerk

James D. Johnson, Manuel Marbet, Gregory Berns
Commission Legislative Staff

Mr. Sean Dail, Commission Legislative Legal Counsel

SPECIAL EDUCATION LEGISLATION: 1987-89 BIENNIUM

The 1987 session of the General Assembly was very significant for educational reform in North Carolina, and for special education in particular.

The 1987-89 biennium were crucial years in the legislative commitment to funding the Basic Education Program. Appropriations for the Basic Education Program totaled \$125.1 million for Fiscal Year 1987-88 and \$260.5 million for Fiscal Year 1988-89.

Programs for children with special needs received significant increases under the Basic Education Program. These totaled over \$12.5 million in Fiscal Year 1987-88 and \$30.5 million in Fiscal Year 1988-89. New funding for children with special needs under the Basic Education Program included:

- o \$7.5 million in both years of the biennium to remove internal caps on the numbers of handicapped children that could be counted for state funding purposes.
- o \$5.0 million in both years of the biennium to fund services for handicapped and gifted children ages 18, 19, 20.
- o \$18 million beginning with Fiscal Year 1988-89 to provide related services for all exceptional children who have such a need. Related services include such things as physical therapists, mobility specialists, bus assistants, etc.

Recommendations for these funding increases for children with special needs were a part of the Commission's report to the General Assembly in 1987.

Other recommendations of the Commission that received funding by the 1987 and 1988 sessions of the General Assembly included:

- o Due process for children with special needs.
- o Additional appropriations for Braille textbooks.
- o Additional funding for the Governor's School.

COMMISSION ACTIVITIES: 1987-89 BIENNIUM

The Commission meetings during the 1987-89 biennium focused on an intensive review of the following areas:

- o Funding for exceptional children under the Basic Education Program.
- o Developmental Day Care and Community Residential Programs.
- o Grants-in-Aid for foster care programs and private child care institutions.

- o Parent to Parent Programs.
- o Services to members of the Willie M. Class.
- o Educational services to preschool blind children.
- o Educational services to academically gifted children.
- o Public Law 99-457 and services to handicapped preschool children. The Commission included an extensive review of the roles played by the Departments of Human Resources and Public Education in administering the new federal law.
- o Extensive review of the existing funding formula for educational services for children with special needs. This review led to the Commission's recommendations on elimination of the internal caps in the funding formula that limited the number of children receiving state funds by handicapping condition.

For the reader who is interested in a more extensive review of the Commission proceedings, copies of the minutes are found in the Legislative Library located on the second floor of the Legislative Building in Raleigh, North Carolina.

FINDINGS AND RECOMMENDATIONS TO THE 1989 SESSION OF THE GENERAL ASSEMBLY

Implementation of Public Law 99-457

Findings

Handicapped children below five years of age are not covered by North Carolina's laws governing children with special needs. The Commission heard testimony at its meetings that handicapped children below the age of five could benefit significantly from well-designed programs that provided early intervention prior to the child entering kindergarten. For many children, educational services provided at this age not only begin to remediate a problem, but do so in a highly cost effective manner.

Most North Carolina school districts are now providing some level of services to handicapped children under five using federal funds appropriated under PL 99-457.

The Commission also found that failure to bring the state into compliance with PL 99-457 could mean, based on Department of Public Education estimates, a loss of \$40 million in federal funds during the 1989-91 biennium.

Recommendation

After considerable discussion and review, the Commission recommends that the General Assembly enact legislation in 1989 implementing the federal mandates contained in PL 99-457. The Department of Public Education has estimated the cost of implementing PL 99-457 at \$9.6 million in FY 1989-90 and \$19.2 million in FY 1990-91. These estimates include both program and transportation costs. A request for these funds has been submitted by the State Board of Education to the Governor.

Appendix A

ACCEPT Program

Findings

The Commission found that fully ten years after implementation of North Carolina's laws on children with special needs many parents were still having problems accessing educational services, and working with the schools on preparing the Individualized Education Program for their child.

The ACCEPT Program provides support and training to parents who have children with special needs in the schools of North Carolina.

Recommendation

The Commission recommends that the General Assembly appropriate \$195,000 in FY 1989-90 and \$195,000 in FY 1990-91 to ACCEPT to continue its training and support activities for parents of children with special needs.

Appendix B

Family Support Network of North Carolina

Findings

In 1987 the General Assembly provided funds for the **Parent to Parent Program** operated through the University of North Carolina Medical School at Chapel Hill. This program provides assistance to networks of parents operating in 15 North Carolina communities, who in turn provide support to parents of handicapped children.

The Commission found that the initial efforts of these programs had been extremely successful, and that there was a need to continue to expand the program to other areas of North Carolina.

Recommendation

The Commission recommends that the General Assembly appropriate \$250,000 in FY 1989-90 and \$250,000 in FY 1990-91 to UNC Medical School at Chapel Hill for further expansion of the Parent to Parent Program.

Appendix C

Preschool Programs for the Visually Impaired

Findings

The 1987 session of the General Assembly appropriated \$84,619 in FY 1987-88 and \$104,926 in FY 1988-89 to provide preschool programs for the visually impaired. The 1988 session also transferred \$100,000 to begin a new preschool program in Greensboro. The Commission found from the public comments on these programs that they had been extremely successful, but that in order to serve the children who needed services, further expansion of the program would be necessary during the 1989-91 biennium.

Recommendation

The Commission recommends that the General Assembly appropriate \$200,000 in FY 1989-90 and \$200,000 in FY 1990-91 to the Department of Human Resources, Division of Services for the Blind to expand preschool programs for the visually impaired operated by the Governor Morehead School.

Appendix D

Developmental Evaluation Centers

Findings

North Carolina currently operates 19 Developmental Evaluation Centers. These centers served nearly 54,000 children during the 1987-89 biennium, providing much needed evaluation services to parents, physicians, and public schools. Because funding growth, for other than across-the-board salary increases and merit increments, has been very modest the budgets of the Developmental Evaluation Centers in real dollar terms have declined. This comes at a time when the state is attempting to expand services to preschool handicapped children.

Recommendation

The Commission recommends that the General Assembly appropriate \$3,000,000 in FY 1989-90 and \$3,000,000 in FY 1990-91 to the Department of Human Resources, Division of Health Services to expand services in the Developmental Evaluation Centers.

Appendix E

Respite Care Services in the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services

The Commission and the General Assembly have recognized for many years that one of the keys to maintaining many children with special needs with their family in the community was the availability of respite care services. These services may in some extreme cases literally be the only way that all members of the family can leave the home at the same time. As a part of the state's new emphasis on preschool handicapped children, the Commission found that there was a need to expand the availability of these services throughout the state.

Recommendation

The Commission recommends that the General Assembly appropriate \$250,000 in FY 1989-90 and \$250,000 in FY 1990-91 to the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services for additional respite care services.

Appendix F

Community Residential Centers for the Developmentally Disabled

Findings

For many years the Commission has been very interested in the services provided by the Community Residential Centers for the Developmentally Disabled. These five centers currently serve 144 children at a cost to the state of \$2.8 million per year. These funds are provided through a contract with the Division of Mental Health, Mental Retardation, and Substance Abuse Services. Funds for educational services, \$3.5 million per year, are provided under a contract with the Department of Public Education. The rest of the funds are raised by the centers from private sources.

If these persons were housed in a state intermediate care facility for the mentally retarded the cost would be in excess of \$8 million per year.

Currently the support provided to these centers through the contract with the Department of Human Resources covers about 40% of the centers' operating costs. The Commission believes that, in order for the centers to continue to provide a consistently high level of service to their residents, the rates paid by the state need to rise.

Recommendation

The Commission recommends that the General Assembly appropriate \$1,000,000 in FY 1989-90 and \$1,000,000 in FY 1990-91 to increase the rates paid to the residential centers. This would increase the rates from the current \$20,220 per year to \$27,164 per year.

Appendix G

Governor's School

Findings

Created in 1963, the Governor's School provides a summer program for 800 gifted and talented students on two college campuses. The Commission supported expansion of this program in 1987, and found during our hearings that additional funds would be needed in the 1989-91 biennium.

Recommendation

The Commission recommends that the General Assembly appropriate \$150,000 in FY 1989-90 and \$150,000 in FY 1990-91 to the Department of Public Education for operating expenses of the Governor's School.

Appendix H

Willie M. Funds for the Department of Public Education

Findings

In 1980 North Carolina entered into a consent decree in the case of Willie M., et al. vs. Hunt, et al. The principal parties to this consent decree were the Departments of Human Resources and Public Education. The Department of Human Resources is responsible for treatment programs, and the Department of Public Education is responsible for educational services. Currently, there are 1,034 certified members of the Willie M. class. After reviewing the operation of the Willie M. program in the public schools, the Commission believes that additional funds may be needed for the state to provide educational services to Willie M. class members. Many of the educational services provided to class members are provided in a small group setting or on a one-on-one basis.

Recommendation

The Commission recommends that the General Assembly appropriate \$2.1 million in FY 1989-90 and \$2.1 million in FY 1990-91 to provide additional funds to serve members of the Willie M. class. These state funds will be used to provide services that now may be provided out of local funds.

Appendix I

Academically Gifted

Academically gifted students have been classed as children with special needs since the passage of North Carolina's original special education law in 1974. In the 1989 school year the Department of Public Education expects local school systems to serve approximately 59,203 academically gifted students.

In the 1989 school year local school units will receive the following amounts for children with special needs:

- o \$1,598 for each handicapped child.
- o \$675 for each academically talented child.
- o \$151 for each child with special needs (handicapped and gifted)

After hearing testimony on the academically gifted programs from parents, teachers, and the Department of Public Education, the Commission found that funding for the academically gifted should be equalized, over a five year phase-in, with the allotments for handicapped children.

Recommendation

The Commission recommends that the General Assembly appropriate \$12,582,682 in FY 1989-90 and \$24,165,364 in FY 1990-91 to the Department of Public Education to increase the funds available for academically gifted children. This would bring the per student funding for academically gifted children to approximately \$840 per child in FY 1989-90 and \$1,072 per child in FY 1990-91.

Appendix J

APPENDIX A

Implementation of Public Law 99-457

The final draft of this report was not available from the Department of Public Education when this report went to press.

APPENDIX B

ACCEPT Program

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H

D

89-LL-010

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: ACCEPT Program Funds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL PARENT ADVOCATES FOR
3 THE ADVOCACY CENTER FOR CHILDREN'S EDUCATION AND PARENT
4 TRAINING.

5 The General Assembly of North Carolina enacts:

6 Section 1. There is appropriated from the General Fund
7 to the Department of Public Education the sum of one hundred
8 ninety-five thousand dollars (\$195,000) for the 1989-90 fiscal
9 year and the sum of one hundred ninety-five thousand dollars
10 (\$195,000) for the 1990-91 fiscal year, for the Advocacy Center
11 for Children's Education and Parent Training to provide
12 additional parent advocates and to cover associated operating
13 costs.

Sec. 2. This act shall become effective July 1, 1989.

APPENDIX C

Family Support Network of North Carolina

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-009
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Family Support Network Funds. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS FOR THE UNC MEDICAL SCHOOL PARENT TO
3 PARENT PROGRAM.
4 The General Assembly of North Carolina enacts:
5 Section 1. There is appropriated from the General Fund
6 to the Board of Governors of The University of North Carolina the
7 sum of two hundred fifty thousand dollars (\$250,000) for the
8 1989-90 fiscal year and the sum of two hundred fifty thousand
9 dollars (\$250,000) for the 1990-91 fiscal year, for the
10 University of North Carolina at Chapel Hill for operating costs
11 and startup costs for new programs in the University of North
12 Carolina Medical School Parent to Parent Program.
13 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX D

Preschool Programs for the Visually Impaired

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-008
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Blind Programs Funds.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR PRESCHOOL PROGRAMS FOR THE
3 VISUALLY IMPAIRED CHILDREN.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Human Resources, Division of Services for
7 the Blind, the sum of two hundred thousand dollars (\$200,000) for
8 the 1989-90 fiscal year and the sum of two hundred thousand
9 dollars (\$200,000) for the 1990-91 fiscal year, to establish
10 additional preschool programs for visually impaired children.

11 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX E

Developmental Evaluation Centers

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-011
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Developmental Evaluation Funds. (Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO EXPAND SERVICES IN DEVELOPMENTAL
3 EVALUATION CENTERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Human Resources, Division of Health
7 Services, the sum of three million dollars (\$3,000,000) for the
8 1989-90 fiscal year and the sum of three million dollars
9 (\$3,000,000) for the 1990-91 fiscal year, to increase clinical
10 and support staff in order to provide expanded services in the
11 Developmental Evaluation Centers.

12 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX F

Respite Care Services in the Department of Human Resources, Division of Mental Health, Mental Retardation, and Substance Abuse Services

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-012

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Respite Care Funds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO EXPAND RESPITE CARE SERVICES.

3 The General Assembly of North Carolina enacts:

4 Section 1. There is appropriated from the General Fund
5 to the Department of Human Resources, Division of Mental Health,
6 Mental Retardation, and Substance Abuse Services the sum of two
7 hundred fifty thousand dollars (\$250,000) for the 1989-90 fiscal
8 year and the sum of two hundred fifty thousand dollars (\$250,000)
9 for the 1990-91 fiscal year, to expand its programs of respite
10 care services.

Sec. 2. This act shall become effective July 1, 1989.

APPENDIX G

Community Residential Centers for the Developmentally Disabled

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-013

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Community Residential Funds.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO INCREASE THE RATES PAID TO
3 COMMUNITY RESIDENTIAL CENTERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Human Resources, Division of Mental Health,
7 Mental Retardation, and Substance Abuse Services, the sum of one
8 million dollars (\$1,000,000) for the 1989-90 fiscal year and the
9 sum of one million dollars (\$1,000,000) for the 1990-91 fiscal
10 year, to increase the rates paid to community residential centers
11 from \$1,685 per month per bed to \$2,263 per month per bed.

Sec. 2. This act shall become effective July 1, 1989.

APPENDIX H

Governor's School

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

10

89-LL-014

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Governor's School Funds.

(Public)

Sponsors: ..

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS FOR OPERATING COSTS AT THE GOVERNOR'S
3 SCHOOL.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Public Education the sum of one hundred
7 fifty thousand dollars (\$150,000) for the 1989-90 fiscal year and
8 the sum of one hundred fifty thousand dollars (\$150,000) for the
9 1990-91 fiscal year, for operating costs of the Governor's School
10 Program.

11 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX I

Willie M. Funds for the Department of Public Education

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S/H

D

89-LL-015

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Willie M. Funds.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO SERVE MEMBERS OF THE WILLIE M.
3 CLASS.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Public Education the sum of two million
7 twenty-eight thousand one hundred thirty-eight dollars
8 (\$2,028,138) for the 1989-90 fiscal year and the sum of two
9 million twenty-eight thousand one hundred thirty-eight dollars
10 (\$2,028,138) for the 1990-91 fiscal year, to serve members of the
11 class identified in the case of Willie M., et al. vs. Hunt, et
12 al., by increasing the support staff in school systems serving
13 members of that class and by increasing funds going to school
14 systems serving members of that class.

15 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX J

Academically Gifted

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S/H

D

89-LL-016

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Academically Gifted Funds.

(Public)

Sponsors: .

Referred to:

1 A BILL TO BE ENTITLED

2 AN ACT TO APPROPRIATE FUNDS TO INCREASE SERVICES TO ACADEMICALLY
3 GIFTED STUDENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. There is appropriated from the General Fund
6 to the Department of Public Education the sum of twelve million
7 five hundred eighty-two thousand six hundred eighty-two dollars
8 (\$12,582,682) for the 1989-90 fiscal year and twelve million five
9 hundred eighty-two thousand six hundred eighty-two dollars
10 (\$12,582,682) for the 1990-91 fiscal year, to increase services
11 to academically gifted students.

12 Sec. 2. This act shall become effective July 1, 1989.

APPENDIX K

Persons Appearing Before the Commission

COMMISSION ON CHILDREN WITH SPECIAL NEEDS

PERSONS APPEARING BEFORE THE COMMISSION

Paula Clark Division of Mental Health, Mental Retardation, and Substance Abuse Services - Department of Human Resources

Janis Dallinger Division of Exceptional Children -
Department of Public Education

Johnnie Ellerbe Division of Exceptional Children -
Department of Public Education

Lowell Harris Director of Exceptional Children
Program - Department of
Public Education

Shelby Jackson Project ACCEPT

Richard Rideout Division of Schools for the Deaf
and Blind - Department of Human Resources

Dr. Michael Sharp
UNC Medical School
NC Parent-to-Parent Program

Tom Vitaglione **Division of Health Services -**
Department of Human Resources

Don Willis Division of Mental Health, Mental Retardation, and Substance Abuse

